IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 829 OF 2007
IN
CRIMINAL APPEAL NO. 678 OF 2007

Chandrakant Vitthal Chougule ..Applicant

Vs.

The State of Maharashtra ..Respondent

Mr. Shekhar A. Ingawale for applicant.
Mr. S.R. Shinde, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : September 11, 2007.

P.C.:

1. Heard Mr. Ingawale the learned counsel for the applicant who is praying for being released on bail during the pendency of Criminal Appeal No. 678 of 2007.

2. The applicant has been convicted for the offences punishable under Sections 306 and 498-A of IPC. He has been sentenced to suffer RI for six years on the first count and RI for one year on the second count.

3. With the help of the learned counsel for the applicant I have gone through the oral depositions of PW 4 Shri Vasant Hanmant Khanchnale, Police Constable who had recorded the dying declaration of the deceased - the wife of the applicant and also the depositions of PW 6 Dr. Dhananjay Dilip Vaze. The order of conviction is based on the circumstantial evidence and more particularly the dying declaration at Exh.24 recorded by PW 4 in the presence of Dr.Vaze on 19/3/2006 between 3.10 p.m. to 3.35 p.m.

4. I am satisfied that no case is made out to suspend the order of sentence and release the applicant on bail.

5. Hence, the application is rejected. If the learned counsel for the applicant submits a private paper book within a period of two months from today, let the appeal be listed for final hearing immediately thereafter.

(B.H. Marlapalle,J.)